REMARKS

The Final Office Action mailed November 17, 2006 has been received and reviewed. Claims 13 through 26 and 33 through 45 are currently pending in the application. Claims 13 through 26 and 33 through 45 stand rejected. Applicant proposes to amend claims 13, 17, 20 and 25. No new matter is added. Reconsideration is respectfully requested.

35 U.S.C. § 103(a) Obviousness Rejections

Obviousness Rejection Based on AAPA in view of U.S. Patent No. 6,202,658 to Fishkin et al. and in further view of U.S. Patent No. 5,700,176 to Potter

Claims 13 through 26 and 33 through 45 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicant's Admitted Prior Art (AAPA) in view of U.S. Patent No. 6,202,658 to Fishkin et al. and in further view of U.S. Patent No. 5,700,176 to Potter. Applicant respectfully traverses this rejection, as hereinafter set forth.

M.P.E.P. 706.02(j) sets forth the standard for a Section 103(a) rejection:

> To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine reference teachings. Second, there must be a reasonable expectation of success. Finally, **the prior art reference (or references when combined) must teach or suggest all the claim limitations.** The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). (Emphasis added).

Fishkin discloses a device for cleaning a semiconductor wafer. Potter discloses a method of manufacturing a field emission device. Applicant respectfully submits that the combination of admitted prior art, Fishkin and Potter fails to teach or suggest each and every element of the presently claimed invention.

By way of contrast with the cited art, claim 13 of the presently claimed invention recites a "method of making an FED having a central active display area and a surrounding peripheral area, comprising: making a cathode assembly including a structure in the peripheral area thereof covered by at least one layer of material comprising part of the cathode assembly; applying an

etchant locally to uncover the structure by etching through the at least one layer of material including moving an etchant dispenser or the cathode assembly relative to one another during the applying and applying the etchant without the use of lithographic techniques such that the etchant is disposed only less than 200 microns laterally away from the structure; making an anode assembly, and assembling said cathode and anode assemblies." Support for the amendment may be found throughout the as-filed specification including, for example, page 7, line 11 – page 8, line 7.

Applicant respectfully submits that the proposed combination of references fails to teach or suggest "applying an etchant locally to uncover the structure by etching through the at least one layer of material including moving an etchant dispenser or the cathode assembly relative to one another during the applying and applying the etchant without the use of lithographic techniques such that the etchant is disposed only less than 200 microns laterally away from the structure." Instead, the cited art lacks any teaching or suggestion of applying etchant such that the etchant is disposed only less than 200 microns laterally away from the structure as recited in claim 13 of the presently claimed invention.

Further, the cited art fails to teach or suggest applying an etchant locally to uncover the structure by etching through the at least one layer of material including moving an etchant dispenser or the cathode assembly relative to one another during the applying and applying the etchant without the use of lithographic techniques. Fishkin cannot teach or suggest this limitation. Fishkin teaches an apparatus for cleaning the edge of a wafer such that liquid is applied at high pressure to the edge of a thin wafer. The liquid removes debris, but does not etch "to uncover the structure" and remove material comprising part of the cathode assembly as recited in claim 13 of the presently claimed invention. (Fishkin, col. 1, lines 20-31). Additionally, the Fishkin apparatus is designed to be used at the same time the other surfaces of the wafer are being cleaned so that spill-over liquid from the apparatus may be used to clean other surfaces of the wafer. (Fishkin, col. 2, line 54 – col. 3, line 7). Thus, the apparatus of Fishkin lacks the control necessary to apply "the etchant such that the etchant is disposed only less than 200 microns laterally away from the structure." The admitted prior art and Potter lack any similar teaching or suggestion.

As the combination of admitted prior art, Fishkin and Potter fails to teach or suggest each and every element of the presently claimed invention, Applicant respectfully submits claim 13 as proposed to be amended is not rendered obvious by the cited art. Accordingly, claim 13 is allowable.

Claims 14-16 and 33-36 are further allowable as depending, either directly or indirectly, from allowable claim 13.

Independent claims 17, 20 and 25 are each allowable for at least the same reasons as allowable claim 13. The cited art lacks any teaching or suggestion of applying etchant only less than 200 microns laterally away from the structure. Similarly, the proposed combination fails to teach or suggest etching through material comprising part of the cathode assembly.

Each of claims 17, 20 and 25 include a similar recitation of "locally applying an etchant to uncover the structure by etching through the at least one layer of material including moving an etchant dispenser or the anode assembly relative to one another during the applying and applying the etchant without the use of lithographic techniques such that the etchant is disposed only less than 200 microns away laterally from the structure." As the cited art fails to teach or suggest every element of claim 17, 20 or 25 of the presently claimed invention, the cited art cannot render claims 17, 20 and 25 obvious. Accordingly, claims 17, 20 and 25 are allowable.

Claims 18-19 and 37 – 41 are each allowable as depending, either directly or indirectly, from allowable claim 17.

Claims 21-24 and 42-43 are each allowable as depending, either directly or indirectly, from allowable claim 20.

Claims 26, 44 and 45 are each allowable as depending, either directly or indirectly, from allowable claim 25.

ENTRY OF AMENDMENTS

The proposed amendments to claims 13, 17, 20 and 25 above should be entered by the Examiner because the amendments are supported by the as-filed specification and drawings and do not add any new matter to the application. Further, the amendments do not raise new issues or require a further search. Finally, if the Examiner determines that the amendments do not place the application in condition for allowance, entry is respectfully requested upon filing of a Notice of Appeal herein.

CONCLUSION

Claims 13 through 26 and 33 through 45 are believed to be in condition for allowance, and an early notice thereof is respectfully solicited. Should the Examiner determine that additional issues remain which might be resolved by a telephone conference, the Examiner is respectfully invited to contact Applicant's undersigned attorney.

Respectfully submitted,

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Date: January 17, 2007
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